



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2308635
Applicant Name: Brittani Ard
Address of Proposal: 3226 NE 100th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into eight lots in an environmentally critical area (ECA). Proposed lot sizes are: Lot A) 7,256.2 square feet, Lot B) 7,256.2 square feet, Lot C) 7,256.2 square feet, Lot D) 9,277.5 square feet, Lot E) 9,274.3 square feet, Lot F) 7,256.2 square feet, Lot G) 7,256.2 square feet, and Lot H) 7,256.2 square feet. Project contains a mapped steep slope along the central portion of the north property boundary and a potential landslide area in the northwest corner of the property. SEPA review is required due to the presence of these ECA's.

The following approval is required:

Short Subdivision – to create eight lots (SMC Chapter 23.24).

SEPA – Environmental Determination – Review of development proposals in areas mapped as Environmentally Critical Areas, Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Zoning: Single Family 7200 (SF 7200)

Date of Site Visit: December 16, 2003

Uses on Site: Vacant former school site.

Site and Vicinity Characteristics: The subject site is relatively flat but with a small steep slope along NE 100th Street and down sloping toward the north. This is not a mapped steep slope and is the result of past street grading. The site and surrounding area are part of the Thorton Creek drainage sub-basin. This section of North East 100th Street is paved but without curbs and gutters. There is no sidewalk along this side of the street adjacent to these proposed parcels. Along the south side of the street there is an asphalt walkway. To the east of the site on the north side of NE 100th there are modified street improvements of curb, gutter, and sidewalk, but no planting strip between the site and 35th Avenue NE.

Public Comment

Four comment letters were received during the comment period that ended January 28, 2004. Comments were made about vehicle headlight glare from the proposed central access road that will provide access to the eight (8) proposed lots from NE 100th Street, the location of this access road in relation to the existing street intersection at 32nd Avenue NE, site drainage, the extent of impervious surfaces, open space, the mapped steep slope, and possible impacts on near by Thorton Creek.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from the drainage section of DPD, Seattle Public Utilities (SPU) for water availability, Fire Department (SFD), Seattle City Light (SCL), and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards and applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards.

The eight lots created by this short plat do not have street frontage, but access NE 100th Street through a twenty (20) foot access road easement extending from NE 100th Street across Lots X and Y (the middle two of the four lots to the south bordering this short plat, and approved as a short plat under MUP 2308634) and between proposed Lots A, B, C, D and E, F, G, H of this short plat. To provide a visible location for address signage for all new lots from NE 100th Street an easement on either Lots X or Y must be provided for the placement of this signage.

This access road easement provides access for vehicles, pedestrians, public and private utilities and access for emergency personal and vehicles. To assure adequate room for emergency vehicles, the Seattle Fire Department conditions their approval of this proposal with the following requirement: "The twenty foot wide ingress/egress road shall be posted on both sides as a 'No Parking Fire Lane'. Signs shall have a minimum dimension of twelve inches wide by eighteen inches high and have red letters on a white reflective background." To assure this signage is visible on the portion of the access easement on Lots X and Y of Short Plat 2308634 this signage may be required on this access easement, depending on Fire Department requirements. Review of this proposal for City Light electrical utility access indicates that an easement for this service is required across a portion of Lots X and Y of Short Plat MUP 2308634 and across portions of Lots A, B, C, D, E, F, G, and H of this short plat and as described in Attachment A.

Adequate provisions for water supply (WAC 20040694) and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing storm water control, utility extensions, and the provision of required easements. Drainage review noted that the downstream conveyance capacity of Thorton Creek is inadequate to convey un-attenuated storm water runoff from the scale of development proposed for these eight parcels. Accordingly, the following Condition of Approval is placed on this short plat:

A Comprehensive Drainage Control Plan shall be prepared for review with this application and approved prior to construction on any of the proposed lots. This plan should show proposed storm water treatment (if there will be in excess of 5,000 square feet of area subject to vehicular traffic) and flow control mitigation measures. The approved plan shall be recorded with the King County Assessor's office and a copy of the approved drainage plan shall accompany all future building permits.

The public use and interest are served by this proposal. The building lots created on an otherwise vacant property creates lots for the future construction of additional housing unit in the City, a stated goal of the City's Comprehensive and Land Use Policies.

Two environmentally critical areas, an area of steep slope along the central portion of the north property boundary and a potential landslide area in the northwest corner of the property, are shown on the City

Environmentally Critical Areas (ECA) Maps, thus requiring ECA review for this proposal. The applicants applied for an *Exemption* from the Steep Slope requirements of SMC 25.09.180, Development Standards for Steep Slopes, based on a submitted survey and geotechnical report indicating that the sloped area in question is not a steep slope as defined in SMC 25.09.180. The report states that “the steep slope along the northern edge of the site appears to have been artificially created by ...cutting at the southern end of the site and filling at the northern end...and the natural contour of the site does not appear to have been over 40 percent”. An Exemption was granted (MUP 2308461) based on these findings and that this area was incorrectly mapped as having a Steep Slope Critical Area. However, based on the submitted geotechnical report, the subsoil conditions indicate that the previously described portion of the site is a “potential landslide area”. Based on this finding, the ECA submittal, general, and landslide hazard and other applicable development standards still apply for future developments on the proposed lots in the potential landslide area.

The parent lot contains substantial and thick shrub / small tree thicket along its northern property boundary. None of this vegetation is eligible for preservation under the tree preservation requirements of SMC 23.44.008. However, as a part of building permit approval the tree planting requirements of SMC 23.44.008 must be followed. These require the planting of 2 caliper inches of tree per each 1,000 square feet of lot area.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

ANALYSIS - SEPA

The proposal site is mapped as containing the following types of Environmentally Critical Areas: *steep slope and potential slide*, thus environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

SMC 25.05.908 requires that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City’s Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated January 2, 2004. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. As indicated in the checklist, this action will not result in adverse impacts to the environment.

The applicant has applied for an *Exemption* from the Steep Slope requirements of SMC 25.09.180, Development Standards for Steep Slopes, based on a submitted survey and geotechnical report indicating that the sloped area in question is not a steep slope as defined in SMC 25.09.180. As outlined in the short plat criteria above, an Exemption was granted (# 2308461) based on the finding that this area was incorrectly mapped as having a Steep Slope Critical Area. The *Exemption* does not apply to the potential landslide area on the northwest corner of the parent lot. Future development proposals on the affected lots (portions of proposed Lots C and D) must still follow the submittal, general, and landslide hazard standards of SMC 23.09.080.

Based on the experience of the geotechnical reviewer at DPD and the aforementioned geotechnical report and information, and the required future review of all development proposals on affected ECA lots under (*SMC 25.09.080*), *Landslide Prone Hazard Areas*, no mitigation under SEPA is warranted.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

1. Submit the final recording forms for approval along with any required fees.
2. Include the following text and indicate on the face of the plat the following Fire Department requirement or other Fire Department approved requirement: "The twenty foot wide ingress/egress road shall be posted on both sides as a 'No Parking Fire Lane'. Signs shall have a minimum dimension of twelve inches wide by eighteen inches high and have red letters on a white reflective background."

3. Submit a Comprehensive Drainage Control Plan as required in *Analysis-Short Subdivision* above. This plan shall be prepared for review with this application and approved prior to construction on any of the proposed lots. This plan should show proposed storm water treatment (if there will be in excess of 5,000 square feet of area subject to vehicular traffic) and flow control mitigation measures. The approved plan shall be recorded with the King County Assessor's office and a copy of the approved drainage plan shall accompany all future building permits.
4. Record covenants against all lots requiring the participation in the above required Comprehensive Drainage Control Plan. The covenants shall state that all lots, whether developed individually or together, are required to follow the approved Comprehensive Drainage Control Plan.
5. Include the required City Light utility easement as described in Attachment A.
6. Obtain an easement for address signage against either Lot X or Y of Short Plat 2308634 for the posting of address signage for Lots A through H.

Conditions of Approval after Recording and Prior to Building Permit Approval for any and all Lots

The owner(s) and/or responsible party(s) shall:

7. Attach a copy of recorded short subdivision to all copies of future building permit application plans.
8. Each new lot, regardless of ownership and time of development, must participate in the approved Comprehensive Drainage Control Plan required in Condition #3 above.

Signature: _____ (signature on file) Date: July 15, 2004

Art Pederson, Land Use Planner
Department of Planning and Development
Land Use Services

AP:bg

Attachments: City Light Easement #260433-1-033B

H:Pedersa/MUP/Short Plat/ 2308635 SP Dec.doc